

# **R309-302. Required Certification Rules for Backflow Technicians in the State of Utah. (Effective 1990)**

**Note:** The Division of Drinking Water is currently revising rules. Because of this, some of the references to rule numbers outside of this document may be invalid. This rule will eventually be rewritten as R309-305.

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## **R309-302. Required Certification Rules for Backflow Technicians in the State of Utah.**

### ***R309-302-1. Objectives.***

These certification rules are established in order to promote the use of trained, experienced professional personnel in protecting the public's health.

To establish standards for training, examining, and certification of those personnel involved with cross connection control program administration, testing, maintenance, and repair of backflow prevention assemblies, and the instruction of Backflow Technicians.

### ***R309-302-2. Authority.***

The Backflow Technician certification program is authorized by Utah Code Annotated, Section 19-4-104(4)(a).

### ***R309-302-3. Extent of Coverage.***

These rules shall apply to all personnel who will be:

- a. directly involved with the administration or enforcement of any cross connection control program being administered by a drinking water system;
- b. testing, maintaining and/or repairing any backflow prevention assembly;
- c. instructors within the certification program, regardless of institution or program.

### ***R309-302-4. Definitions.***

Cross Connection Control Subcommittee - means the duly constituted advisory subcommittee appointed by the Safe Drinking Water Committee to advise the Safe Drinking Water Committee on Backflow Technician Certification and the Cross Connection Control Program of Utah. The Subcommittee will review the qualifications of applicants and make recommendations to the Safe Drinking Water Committee for certification of those individuals.

Bureau of Drinking Water/Sanitation - means that Bureau within the Department of Health which regulates public drinking water systems.

Cross Connection Control Program - means the program administered by the public water system in which cross connections are either eliminated or controlled.

Executive Secretary - means the Executive Secretary to the Utah Safe Drinking Water Committee.

Class - means the level of certification of Backflow Prevention Technician (Class I, II and III).

Public Drinking Water Supply - means a system, either publicly or privately owned, providing water for human consumption and other domestic uses which has at least 15 service connections, or regularly serves an average of at least 25 individuals daily for at least 60 days out of the year.

Renewal Course - means a course of instruction, approved by the Subcommittee, which is a prerequisite to the renewal of a Backflow Technician's Certificate.

Secretary to the Subcommittee - means that individual appointed by the Executive Secretary to conduct the business of the Subcommittee.

Utah Safe Drinking Water Committee - means the duly constituted Committee appointed by the Governor, and responsible for the promulgation, interpretation and enforcement of public drinking water regulations within Utah.

## ***R309-302-5. General Policies.***

5.1 Certification Application: Any individual may apply for certification.

5.2 Certification Classes: The classes of certificates will be: Class I, Class II, and Class III.

5.2.1 Class I - Backflow Technician: This certificate will be issued to those individuals who are directly involved in administering a cross connection control program, who have demonstrated their knowledge and ability by passing the certification examination.

These individuals may NOT test, maintain or repair any backflow prevention assembly for record (except to insure proper testing techniques are being utilized within their jurisdiction).

These individuals may conduct plan/design reviews, hazard assessment investigations, compliance inspections, and enforce local laws, codes, (including the Utah Plumbing Code as it applies to cross connection control and backflow prevention), rules and regulations and policies within their jurisdictions, and offer technical assistance as needed.

5.2.2 Class II - Backflow Technician: This certificate will be issued to those individuals who meet the criteria for Class I and in addition having proven

qualified and competent to test, maintain, and/or repair (see Section 5.3.3) backflow prevention assemblies (commercially as well as within their jurisdiction) by passing the practical examination.

5.2.3 Class III - Backflow Technician: This certificate will be issued to those individuals who meet the criteria for Class II and in addition have proven qualified and competent to instruct approved Backflow Technician Certification classes by participating in and passing an approved "Train The Trainers" course.

5.3 Certification Requirements: Those individuals seeking certification as a Backflow Technician must participate in an approved Technician's course of instruction and pass the examination required per class of certification.

5.3.1 All individuals who hold a valid Backflow Technician's license issued prior to the initiation of these rules will be issued a Class II - Backflow Technician certificate.

5.3.2 All individuals who instruct Backflow Technician training courses must hold a current Class III - Backflow Technician certificate.

5.3.3 The issuance of a Backflow Technician certificate (Class I, II or III) does NOT authorize that individual to install or replace any backflow prevention assembly. The installation replacement or repair of assemblies must be made by a licensed Journeyman Plumber (Title 58, Chapter 54, Utah Code Annotated), except when the Backflow Technician is an agent of the assembly owner.

## ***R309-302-6. Examinations.***

6.1 Exam Issuance: The examination recognized by the Subcommittee for certification will be issued through the Bureau of Drinking Water/Sanitation for both initial certification and renewals to those certified instructors teaching a course approved by the Cross Connection Control Subcommittee.

If an individual fails an examination, he may file another application for reexamination on the next available test date.

6.1.1 Examinations (both written and practical) that are used to determine competency and ability will be approved by the Cross Connection Control Subcommittee prior to being issued.

6.1.2 Oral examinations may be administered, with approval from the Cross Connection Control Subcommittee, on a case-by-case basis.

6.2 Exam Scoring: Class I, Class II and Class III Technician's must successfully complete a written exam with a score of 70% or higher. Class II Technician's must also

successfully demonstrate competence and ability in the practical examination, for the testing of the Pressure Atmospheric Vacuum Breaker, Double Check Valve Assembly, and Reduced Pressure Zone Principal Backflow Prevention Assemblies.

6.2.1 The practical examination will be conducted by a minimum of two Class III Technicians.

6.2.2 Each candidate must demonstrate competence and will be evaluated by all proctors and assessed a pass or fail grade in each of the following areas.

- 1) Properly identify backflow assembly
- 2) Properly identify test equipment needed
- 3) Properly connect test equipment
- 4) Test assembly
- 5) Identify inaccuracies
- 6) Properly diagnose assembly problems
- 7) Properly record test results

The candidate must receive a pass grade from each proctor in all areas listed above for each assembly tested in order to pass the practical examination.

6.2.3 An individual may apply for reexamination of either portion of the examination a maximum of two times. After a third failing grade, the individual must register for and complete another technician's course prior to the reexamination.

6.3 Class III Exam: Class III Technicians must participate in, and pass, a "train the trainers" course, approved by the Cross Connection Control Subcommittee, in addition to the successful completion of the Class II Technician's certification course.

### ***R309-302-7. Certificates.***

7.1 Certificate Issuance: For a certificate to be issued, the individual must complete a Technician's training course and pass with a minimum score of 70% the written examination. For Class II and III certificates, passing marks on the practical portion of the examination will also be required.

7.2 Certificate Renewal: The Backflow Technician's certificate will expire December 31, three years from the year of issuance.

Backflow Technician certificates will be issued by the Subcommittee's Secretary, by delegated authority from the Safe Drinking Water Committee.

7.2.1 The Backflow Technician's certificate may be renewed up to six months in advance of the expiration date.

7.2.2 To renew a Technician's certificate, the Technician must register and participate in a backflow prevention renewal course, and pass the renewal examination (minimum score of 70%) which will include a practical portion for Class II and III Certification.

7.2.3 To renew a Technician certificate that was issued prior to December 31, 1989, the Technician must register and attend a one day renewal course and pass a renewal written exam (minimum 70%) only. (There will not be a practical portion included in the renewal courses until 1992.)

7.2.4 Should the applicant fail the renewal written examination (minimum score of 70%), renewal of that existing license will not be allowed until a passing score is obtained. If the applicant fails to pass the test after three attempts, the applicant will be required to participate in an approved Backflow Technician's course before retaking the written and practical examinations. (Class I Technicians would only need to pass the written examination.)

7.3 Certification Revocation: The Subcommittee's Secretary is authorized to suspend or revoke a Backflow Technician's certification upon recommendation of the Subcommittee if, following a hearing of the Subcommittee, it is found that:

- a. There is evidence that a disregard of public health and safety has occurred.
- b. There is evidence that a violation of the Plumber's Law (Title 58 Chapter 54), that prohibits installation or replacement of assemblies, has occurred.
- c. There is evidence that a misrepresentation or falsification of figures or reports concerning backflow prevention assembly or test results has occurred.
- d. There is evidence that a failure to notify the proper authorities of a failing backflow prevention assembly within five days has occurred.
- e. There is evidence that a failure to notify the proper authorities of a backflow incident for which the technician had personal knowledge has occurred.
- f. There is evidence that a change of the design, material or operational characteristics of a backflow prevention assembly has occurred.

7.3.1 Suspension or revocation of a Technician's certificate will be in writing and will state the reasons for such actions and available appeal procedures. Disasters or "Acts of God", which could not be reasonably anticipated or prevented, will not be grounds for suspension or revocation actions.

7.4 Appeal Procedures: Any individual who receives a notice of suspension or revocation may, within 30 days of receipt, make a written request for an appeal to the Executive Secretary of the Safe Drinking Water Committee for a hearing before that Committee. The Committee shall follow the procedures for such a hearing as set forth in the Utah State Code.

### ***R309-302-8. Fees.***

8.1 Fees: The fees for certification will be submitted in accordance with Section 63-38-3.

All fees will be deposited in a special account to defray the costs of administering the Cross Connection Control and Certification programs.

8.2 Renewal Fees: The renewal fee for all classes of Technicians will be in accordance with Section 63-38-3.

8.3 All fees will be deposited in a special account to defray the cost of the program.

8.4 All fees are non-refundable.

### ***R309-302-9. Training.***

9.1 Training: Minimum training course curriculum, written tests and performance tests will be established by the Subcommittee and implemented by the Secretary of the Subcommittee for both the Technicians course and the renewal short course.

9.1.1 The length of the renewal course shall not exceed two days including the renewal examination (both written and "hands on").

### ***R309-302-10. Cross Connection Control Subcommittee.***

10.1 Appointment of Members: A Cross Connection Control Subcommittee will be appointed by the Safe Drinking Water Committee from nominations made by cooperating agencies.



10.2 Responsibility: The Subcommittee is charged with the responsibility of conducting all work necessary to promote the cross connection program as well as recommending qualified individuals for certification, and overseeing the maintenance of necessary records.

10.3 Representative Agencies: The Subcommittee shall consist of five members:

1. One member (nominated by the League of Cities and Towns) shall represent a community drinking water supply.
2. One member (nominated by the Utah Pipes Trades Education Program) shall represent the plumbing trade and must be a licensed Journeyman Plumber and Class II or III Backflow Technician.
3. One member (nominated by the Utah Mechanical Contractors Association) shall represent the mechanical trade contractors.
4. One member (nominated by the Safe Drinking Water Committee) shall represent the Safe Drinking Water Committee.
5. One member (nominated by the Rural Water Association of Utah) shall represent small water systems.

10.4 Term: Each member shall serve a two year term. At the initial meeting of the Subcommittee, lots will be drawn corresponding to two one and three two year terms. Thereafter, all Subcommittee members' terms will be on a staggered basis.

10.5 Nominations of Members: All nominations of Subcommittee members will be presented to the Safe Drinking Water Committee, which reserves the right to refuse any nomination.

10.6 Unexpired Term: An appointment to succeed a Subcommittee member who is unable to complete his full term shall be for the unexpired term only, and shall be nominated to, and appointed by, the Safe Drinking Water Committee in accordance with R309-302-10.1.

10.7 Quorum: At least three Subcommittee members shall be required to constitute a quorum to conduct the Subcommittee's business.

10.8 Officers: Each year the Subcommittee will elect officers as needed to conduct its business.

10.8.1 The Subcommittee shall meet at least once a year.

10.8.2 All actions taken by the Subcommittee will require a minimum of three affirmative votes.

### ***R309-302-11. Secretary of the Subcommittee.***

11.1 Appointment: The Executive Secretary of the Safe Drinking Water Committee will appoint, with the consent of the Subcommittee, a staff member to function as the Secretary to the Subcommittee. This Secretary will serve to coordinate the business of the Subcommittee and to bring issues before the Subcommittee.

11.2 Duties: The Secretary's duties will be to:

- a. act as a liaison between the Subcommittee, certified Technicians, public water suppliers, and the public at large;
- b. maintain records necessary to implement and enforce these rules;
- c. notify sponsor agencies of Subcommittee nominations as needed;
- d. coordinate and review all cross connection control programs, certification training and the certification of Backflow Technicians;
- e. serve as a source of public information for Certified Technicians, water purveyors, and the public at large;
- f. receive and process applications for certification;
- g. investigate and verify all complaints against or concerning certified Backflow Prevention Technicians, and advise the Executive Secretary of the Safe Drinking Water Committee regarding any enforcement actions that are being recommended by the Subcommittee as outlined in Section R309-302-7.4;
- h. develop and administer examinations;
- i. review and correct examinations.

**KEY: drinking water, environmental protection, administrative procedure  
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